



Board of Park Commissioners Regular Board Meeting

Joe Doud Administration Building
545 Academy Drive
Northbrook, IL 60062

847-291-2960

nbparks.org

October 25, 2017

Joe Doud Administration Building, 545 Academy Drive, Northbrook, Illinois
7pm

AMENDED AGENDA

1. Call to Order and Roll Call
2. Recognition of Visitors
3. Approval of Agenda
4. Approval of Minutes
 - a. Regular Board Meeting of September 19, 2017
 - b. Closed Session Meeting of September 19, 2017
5. Board Committee Reports
6. Consent Agenda

The matters listed for consideration on the Consent Agenda have been discussed by the Board of Commissioners previously at the October 2017 Committee Meetings and are matters on which there was unanimity for placement on the Consent Agenda at this meeting. Consent Agenda items are those that are approved by one motion, unless any Board Member or staff requests an item be removed. If a Consent Agenda item(s) is removed it is then relocated to Action Items for discussion and consideration.

 - a. Approval of September 2017 Vouchers
 - b. Reject Sportsman's Country Club Range Netting Replacement, Bid #2139
 - c. Adoption of the 2009 ADA Transition Plan and 2017 Amendment
7. Executive Director Report
8. Commissioner Reports
9. President's Report
10. Action Items
 - a. Adoption of Resolution 17-R-2, Truth-in-Taxation
 - b. Adoption of Surplus Ordinance 17-O-6, Park District Equipment
11. Unfinished Business
12. New Business
 - a. Discuss Consent to Dual Representation – Robbins Schwartz
13. Action Items
 - a. Approval of Consent to Dual Representation – Robbins Schwartz
14. Move into Closed Session to Discuss Purchase or Lease of Real Property 2(c)(5)
15. Next Meeting
 - a. Committee-of-the-Whole, November 14, 2017, 5:30pm, Joe Doud Administration Building, 545 Academy Drive
 - b. Regular Board Meeting, December 6, 2017, 7pm, Joe Doud Administration Building, 545 Academy Drive
16. Adjourn

Copies to: Park Board, Attorney, Directors, All Staff and Park District Facilities, Northbrook Star, Village of Northbrook,
Posted on Park District Website: nbparks.org

Persons with disabilities requiring reasonable accommodation to participate in this meeting should contact Eileen Loftus, the Park District's ADA Compliance Officer, at the Park District's Administration Building by mail at 545 Academy Drive, Northbrook, Illinois 60062, by phone at (847) 291-2960, Monday through Friday 8:30am until 5:00pm, or by email to eloftus@nbparks.org at least 48 hours prior to the meeting. Requests for a qualified ASL interpreter generally require at least 5 business days' advance notice. For the deaf or hearing impaired, please use the Illinois Relay Center voice only operator at (800) 526-0857.



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MEMORANDUM

To: Board of Commissioners
From: Molly Hamer, Executive Director
Date: October 23, 2017
Re: Consent of Dual Representation

Robbins Schwartz has provided the District with the attached Consent of Dual Representation form to be discussed at our Board Meeting on Wednesday, October 25, 2017. If consensus agrees, this moves to an Action Item for approval.

The letter from Steven Adams and Heidi Katz spells out the conflict of interest with the firm of Robbins Schwartz representing both the Northbrook Park District and NSSRA as we pursue a joint capital development project at Techny Prairie Park and Fields. It is required both parties sign the Consent of Dual Representation before any consultation proceeds.

Robbins Schwartz

55 West Monroe, Suite 800 | Chicago, IL 60603-5144

STEVEN B. ADAMS

sadams@robbins-schwartz.com

and

HEIDI A. KATZ

hkatz@robbins-schwartz.com

October 19, 2017

VIA U.S. MAIL AND EMAIL

Ms. Molly Hamer, CPRP
Executive Director
Northbrook Park District
545 Academy Drive
Northbrook, IL 60062

Mr. Craig Culp, CPRP
Executive Director
NSSRA
3105 MacArthur Boulevard
Northbrook, IL 60062

Re: Proposed Northbrook Park District /NSSRA Capital Development Project

Dear Molly and Craig:

You have informed us that the Northbrook Park District ("Park District") and Northern Suburban Special Recreation Association ("NSSRA") have agreed in concept to collaborate on the design and construction of a new Activity Center in Northbrook. The current concept for the Activity Center is to house park and recreational facilities and programs for the benefit of both agencies, and administrative offices for NSSRA, on real property owned by the Park District and commonly known as 180 N. Anets Drive, Northbrook, Illinois ("Project"). You have requested that our firm represent both parties in the preparation of an appropriate intergovernmental agreement, and the furnishing of legal services necessary to complete the Project.

This project presents our firm with a potential conflict of interest. Robbins Schwartz serves as general legal counsel to both the Park District and NSSRA.¹ It is incumbent upon our firm in this situation to disclose the conflict and review its implications with the Park District and NSSRA prior to commencing dual representation. That is the purpose of this letter.

Rules of professional conduct governing our practice hold that a lawyer may not represent a client in a matter if the representation of that client would be directly adverse to another client, unless the lawyer reasonably believes that the representation will not adversely affect the relationship with the other client, and each client consents after disclosure. For the reasons discussed next, we do not believe our representation of the Park District and NSSRA in the preparation of the intergovernmental agreement and the provision of subsequent legal services for the Project would adversely affect the interests of either party, or our relationship with other NSSRA client member agencies. Therefore, upon receipt of written consent from each party, we consider dual representation in this matter to be permissible.

Our representation of the Park District and NSSRA in preparing an intergovernmental agreement of the type under consideration would include the: (i) establishment of each party's legal authority

¹ In addition to the Park District, our firm represents the Winnetka Park District, another member agency of NSSRA.

to enter the arrangement, (ii) reasonable allocation of design, construction, and property risks, rights, costs and responsibilities, and (iii) drafting of appropriate contractual provisions to protect each party's respective short- and long-term interests in the operation, use and enjoyment of the contemplated new facilities. Please note that, as a result of the dual representation, communications by either party with our firm regarding these matters will not be attorney-client privileged communications as between the parties.

If a dispute relating to the above matters were to arise between the Park District and NSSRA, we would be obliged to reconsider the continuation of dual representation under the applicable rules, and determine whether it is necessary to discontinue representation of either or both parties. We would consult with both the Park District and NSSRA prior to any decision to discontinue dual representation. Continued representation at that juncture would require us to review the ramifications of the particular conflicts involved, and obtain informed consent from both parties in order to proceed.

We will not proceed to represent either party in the preparation of the requested intergovernmental agreement, or any future work related to the Project until we have received written consent from both clients. Consent may be indicated by an authorized signature on the enclosed Consent to Dual Representation Form.

We appreciate your consideration of this conflicts waiver request. Please do not hesitate to contact either of us if you have any questions.

Very truly yours,

ROBBINS SCHWARTZ



By: Steven B. Adams



Heidi A. Katz

Enclosure

Consent to Dual Representation

The Board of Commissioners of Northbrook Park District having reviewed the above correspondence from legal counsel, _____ DOES _____ DOES NOT [**check one**] consent to counsel's described proposed dual representation of Northbrook Park District and Northern Suburban Special Recreation Association in preparing an intergovernmental agreement between the parties and providing legal representation to them in connection with the above described Project.

Board of _____ Commissioners

Northbrook Park District

By: _____, President
(Title)

Date: _____
October 25, 2017